

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:98CV394

**CALVIN R. LUCKEY, and wife PEGGY)
G. LUCKEY, *et al.*,)**

This document pertains to:)

**KENNETH G. SMITH, and wife)
MARGARET SMITH; DAVID R.)
WHITESIDE, SR., and wife LINDA L.)
WHITESIDE; and CLEMENT)
KEENE, and wife BARBARA JO)
DEATHERAGE KEENE,)**

Plaintiffs,)

Vs.)

A. W. CHESTERTON, INC., *et al.*,)

Defendants.)

ORDER

THIS MATTER is before the Court on the joint motions of the specific Plaintiffs captioned above and Defendant Crown Cork & Seal Company, Inc., to dismiss without prejudice their claims against said Defendant.

For the reasons stated in the motion,

IT IS, THEREFORE, ORDERED that the joint motions to dismiss are **ALLOWED**, and the claims of Kenneth G. Smith, and wife Margaret Smith;

David R. Whiteside, Sr., and wife Linda L. Whiteside; and Clement Keene, and wife Barbara Jo Deatherage Keene, against the Defendant Crown Cork & Seal Company, Inc., are hereby **DISMISSED WITHOUT PREJUDICE.**

Signed: February 25, 2007

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

